

Exhibit B

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 PA Bar: #0317092



Attorney for Plaintiff Omar Dennis

OMAR DENNIS
 Plaintiff
 v.

PHILADELPHIA COUNTY
 COURT OF COMMON PLEAS
 CIVIL TRIAL DIVISION

EDWIN CRUZ, Deputy Warden
 Curran-Fromhold Correctional Facility
 7901 State Road
 Philadelphia, PA 19136

_____ Term, 2022

SGT. AISHA RYANS, PR #216996
 OFFICER EMIL ROGERS, PR #244575
 OFFICER ORVILLE FORD, PR #270555
 OFFICER SUMOND GEORGE, PR #278042
 Defendants

No. 220401131

JURY TRIAL DEMANDED

COMPLAINT - CIVIL ACTION

(ASSAULT AND BATTERY)

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint of for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación, para presentar una comparencia escrita o en persona o con un abogado y entregar a al tribunal en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted. Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio, vaya en persona o llame por teléfono a la oficina cuya

Philadelphia Bar Association Lawyer Referral and Information Service One Reading Center Philadelphia, Pennsylvania 19107 (215) 238-6333 TTY (215) 451-6197	<i>dirección se encuentra escrita abajo para averiguar dónde se puede conseguir asistencia legal.</i> Asociación de Licenciados de Filadelfia Servicio de Referencia e Información Legal One Reading Center Filadelfia, Pennsylvania 19107 (215) 238-6333 TTY (215) 451-6197
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Plaintiff, Omar Dennis, by and through his undersigned counsel, brings this action against Defendants, and in support thereof does hereby certify and aver the following facts:

I. PARTIES

1. Plaintiff, was at all times pertinent to this complaint a resident of Philadelphia, Pennsylvania.
2. Defendants' actions were a direct and proximate cause of Plaintiff's injuries which occurred in Philadelphia County.
3. Defendant CRUZ is the Deputy Warden of CFCF, who was at all times pertinent to the pleadings, a resident of Philadelphia, Pennsylvania, and is being sued in his official capacity, thus preserving Plaintiff's claims, being made in this paragraph primarily for purposes of providing notice of these potential civil claims, which may be made under a separate and severable civil action, before the expiration of the relevant statute of limitations, and are cited herein as claims of deliberate indifference, state-created danger, failure to train, failure to supervise, and other forms of municipal liability which were a proximate cause of Plaintiff's injuries.
4. Defendant RYANS, PR #216996 was at all times pertinent to the pleadings, a resident of Philadelphia, Pennsylvania, and employed as a Correctional Officer of the Curran-Fromhold

Correctional Facility, 7901 State Road, Philadelphia, PA 19136, and is being sued in her personal capacity and as a supervisor, for while acting under color of law, committed intentional torts outside the scope of employment, causing harm and injury to Plaintiff.

5. Defendant ROGERS, PR #244575 was at all times pertinent to the pleadings, a resident of Philadelphia, Pennsylvania, and employed as a Correctional Officer of the Curran-Fromhold Correctional Facility, 7901 State Road, Philadelphia, PA 19136, and is being sued in his personal capacity, for while acting under color of law, committed intentional torts outside the scope of employment, causing harm and injury to Plaintiff.
6. Defendant FORD, PR #270555 was at all times pertinent to the pleadings, a resident of Philadelphia, Pennsylvania, and employed as a Correctional Officer of the Curran-Fromhold Correctional Facility, 7901 State Road, Philadelphia, PA 19136, and is being sued in his personal capacity, for while acting under color of law, committed intentional torts outside the scope of employment, causing harm and injury to Plaintiff.
7. Defendant GEORGE, PR #278042 was at all times pertinent to the pleadings, a resident of Philadelphia, Pennsylvania, and employed as a Correctional Officer of the Curran-Fromhold Correctional Facility, 7901 State Road, Philadelphia, PA 19136, and is being sued in his personal capacity, for while acting under color of law, committed intentional torts outside the scope of employment, causing harm and injury to Plaintiff.

II. FACTS

8. On October 23, 2021, Plaintiff (PID# 720523) was in the physical and governmental custody of Curran-Fromhold Correctional Facility (CFCF), located at 7901 State Road, Philadelphia, PA 19136.

9. Plaintiff was severely injured when he was struck in the back of the head and face by Defendant FORD, with an unknown hard and/or metal object, causing blood splatter, bleeding, lacerations and permanent scarring to the back of Plaintiff's head.
10. Defendants ROGERS and GEORGE assisted in physically subduing Plaintiff with force as Defendant FORD repeatedly struck Plaintiff in the back of the head with a closed fist, holding a hard and/or metal object.
11. Defendant RYANS, ROGERS, and GEORGE witnessed the entire event, yet none of the Defendants accurately reported in official government records Defendant FORD's actions of striking Plaintiff.
12. Defendants, et. al. acting as correctional officers, collectively and jointly, acting in concert, committed the intentional torts of assault and battery against Plaintiff's person, acting under color of law, but without legal justification and outside the scope of employment. Minor v. Kraynak, 155 A.3d 114 (Pa. Commw. Ct. 2017)
13. Defendants are jointly and severally liable to Plaintiff for his injuries.
14. Defendants ROGERS and GEORGE acted in concert in a civil conspiracy to cause Plaintiff's injuries by assault and battery, physical force, use of pepper-spray, and "striking techniques", specifically assisting Defendant FORD to repeatedly strike Plaintiff in the back and back of the head with a hard and/or metal object, while physically subduing and restraining Plaintiff.
- I. Defendants, et. al., falsification of official government reports
 - a. CFCF Investigative Report (11/05/2021)
15. CFCF Investigative Report (86-19) reports this incident in official government and business records and is dated November 5, 2021, purporting to describe events that took place 13 days earlier on the actual date of the incident, October 23, 2021. **Exhibit A**

16. CFCF Investigative Report (86-19) reports this incident in official government and business records stating that Defendant ROGERS pepper-sprayed Plaintiff. **Exhibit A**
17. CFCF Investigative Report (86-19) reports this incident in official government and business records stating that Defendant RYANS pepper-sprayed Plaintiff. **Exhibit A**
18. CFCF Investigative Report (86-19) reports this incident in official government and business records stating that Defendant FORD physically subdued Plaintiff. **Exhibit A**
19. CFCF Investigative Report (86-19) reports this incident in official government and business records stating that Defendant GEORGE physically subdued Plaintiff. **Exhibit A**
20. CFCF Investigative Report (86-19) reports this incident in official government and business records stating that, following this incident, Plaintiff was attended by physician's assistant "PA Phillips" who made a medical determination to send Plaintiff immediately to the Jefferson Torresdale Hospital for emergency medical treatment "for facial and head laceration and to rule out any additional head trauma." **Exhibit A**
21. CFCF Investigative Report (86-19) makes no report or description or any statement of how Plaintiff received injuries attendant with facial and head lacerations and how Plaintiff suffered possible head trauma. **Exhibit A**
22. CFCF Investigative Report (86-19) fails to mention that Defendant FORD repeatedly physically hit Plaintiff in the back of the head with a hard or metal object, while Plaintiff was physically subdued by Defendants ROGERS and GEORGE. **Exhibit A**

b. Philadelphia Department of Prisons - Summary Report Regarding the Use of Force (11/05/2021)

23. “Summary Report Regarding the Use of Force, dated November 5, 2021”, prepared regarding this incident reports in official government and business records that Defendant ROGERS employed “.7% pepper spray, Striking Techniques, Mechanical Restraints (Handcuffs & Leg Irons).” **Exhibit B**
 24. “Summary Report Regarding the Use of Force, dated November 5, 2021”, included a statement by Donovan Baum, Correctional Lieutenant, which states “A secondary form of Defense should be used when i/m overpowers the officers. (stun gun, stun shield, pepper balls.” **Exhibit B**
 25. “Summary Report Regarding the Use of Force, dated November 5, 2021”, fails to report how Plaintiff was injured, or the cause of the full extent Plaintiff’s identified injuries. **Exhibit B**
 26. “Summary Report Regarding the Use of Force, dated November 5, 2021” fails to make any mention of Defendant FORD’s repeatedly striking Plaintiff in the back and back of the head with a closed fist holding a hard and/or metal object. **Exhibit B**
 27. “Summary Report Regarding the Use of Force, dated November 5, 2021” fails to report that the use of force by Defendant FORD caused blood to splatter which was clearly visible to all Correctional Officers who were present during and immediately after the incident. **Exhibit B**
- c. Philadelphia Prison System, Misconduct Reports - 10/24/2021
28. “Philadelphia Prison System, Misconduct Reports, Date 10/24/2021” prepared regarding this incident reports in official government and business records that Defendant ROGERS pepper-sprayed Plaintiff. **Exhibit C**
 29. “Philadelphia Prison System, Misconduct Reports, Date 10/24/2021” prepared regarding this incident reports in official government and business records that Defendant ROGERS physically subdued Plaintiff. **Exhibit C**

30. “Philadelphia Prison System, Misconduct Reports, Date 10/24/2021” prepared regarding this incident reports in official government and business records that Defendant FORD physically subdued Plaintiff during an altercation. **Exhibit C**

31. “Philadelphia Prison System, Misconduct Reports, Date 10/24/2021” prepared regarding this incident reports in official government and business records that Plaintiff was charged with the following allegations of prisoner-inmate misconduct, and the result of each allegations made against Plaintiff was “Finding: DISMISSED.” **Exhibit C**

- | | | |
|--|-----|------------|
| a. “1 Assaulting Any Staff Member | ... | DISMISSED” |
| b. “2 Disrespecting Any Staff Member | ... | DISMISSED” |
| c. “3 Disturbing Other Inmates or Staff | ... | DISMISSED” |
| d. “4 Refusal to Comply with a Valid Order | ... | DISMISSED” |
| e. “5 Threatening an Employee or Visitor with Harm | ... | DISMISSED” |
| f. “6 Violating any other Posted Rule or Ref | ... | DISMISSED” |

32. “Philadelphia Prison System, Misconduct Reports, Date 10/24/2021” prepared regarding this incident reports in official government and business records fails to report the fact that Defendant FORD physically struck Plaintiff in the back and head, multiple times, with one blow rendering Plaintiff unconscious and drawing a significant splatter of blood that was visible and spread out on the floor of the incident. **Exhibit C**

A. Video Surveillance

33. Video surveillance, titled “Showers”, was obtained by Plaintiff through Pre-Complaint Discovery procedures utilized in this matter.

34. Upon information and belief, the time stamp is accurate Eastern Standard Time, or else internally consistent in terms of time recording.

35. At 05:51:56, Plaintiff is seen exiting the showers with a white towel and other items in hand.



36. At 05:51:59 Defendant ROGERS approaches Plaintiff as he is exiting the showers.



37. At 05:52:07 Defendant ROGERS orders Plaintiff to enter a holding cell.



38. At 05:52:07, Plaintiff looks inside the cell and decides not to enter due to overcrowding.



39. At 05:52:17, Plaintiff disengages from Defendant ROGERS.



40. At 05:52:26, Plaintiff takes another look, and disengages again from Defendant ROGERS.



41. At 05:52:30, Plaintiff completely disengages from Defendant ROGERS and walks away.



42. At 05:52:35, Defendant ROGERS approaches Plaintiff from behind.



43. At 05:52:36, Defendant ROGERS places hands on Plaintiff.



44. At 05:52:39, Defendant ROGERS places hands on Plaintiff, orders commands in close proximity, and threatens to employ force on Plaintiff's person.



45. At 05:52:40, Defendant ROGERS, without legal justification, grabs Plaintiff by the arm, orders him to enter the overcrowded holding cell, and threatens Plaintiff with pepper-spray or other physical harm.



46. At 05:52:46, Defendant ROGERS continues to grab Plaintiff by the arm, threatening Plaintiff with pepper-spray or other physical force and Defendant FORD appears (bottom left corner).



47. At 05:52:50, Plaintiff steps back as Defendant ROGERS (lower right) deploys his pepper-spray device in Plaintiff's face, as Defendant FORD (lower left) stands by.



48. At 05:52:51, Plaintiff steps back and raises his right hand in a defensive position as Defendant ROGERS deploys his pepper-spray device at Plaintiff's face.



49. At 05:52:52, Plaintiff steps forward and raises his hand in a defensive position and steps forward as Defendant ROGERS deploys his pepper-spray device.



50. At 05:53:08, Plaintiff falls backwards from being pepper-sprayed and physically assaulted.



51. At 05:53:09, Plaintiff falls backwards as Defendant FORD (bottom right) prepares to strike him with a kick.



52. At 05:53:10, Defendant FORD lands a kick on Plaintiff who is face down on the ground.



53. At 05:53:13, Defendant FORD engages Plaintiff by wrestling with him as Defendant ROGERS lays his body on top of Plaintiff and subdues him physically from behind.



54. At 05:53:14, Plaintiff attempts to stand up as Defendant ROGERS engages him physically from the front and Defendant FORD engages Plaintiff from behind.



55. At 05:53:28, Defendant RYANS deploys pepper-spray as Plaintiff is physically subdued by Defendants ROGERS and FORD.



56. At 05:53:51, Defendant GEORGE approaches and grabs Plaintiff from behind on the left, Plaintiff is raising his hands to cover the back of his head, and Defendant FORD on the right, with a closed fist, holding a hard and/or metal object, is striking Plaintiff in the back and back of the head.



57. At 05:53:52, Defendant FORD in the middle raises his closed fist, holding a hard and/or metal object, and lands multiple strikes and blows on Plaintiff's back and back of the head.



58. At 05:53:54, Defendant FORD raises his closed fist again for the second time in order to land multiple strikes and blows on Plaintiff's back and back of the head.



59. At 05:53:54, Defendant FORD raises his closed fist again, for the third time, holding a hard and/or metal object, and lands multiple strikes and blows on Plaintiff's back and back of the head, as Plaintiff falls to the ground on one knee.



60. At 05:53:57, Defendant FORD raises his closed fist again, holding a hard and/or metal object, and lands multiple strikes and blows on Plaintiff's back and back of the head, as Plaintiff falls to the ground on one knee.



61. At 05:54:10, Defendants ROGERS, FORD and GEORGE continue to physically subdue Plaintiff, witnessing Defendant FORD's mounting Plaintiff from behind and striking Plaintiff in the back of the head, as Plaintiff remains in a crouched position on hands and knees.



62. At 05:54:10, Defendant FORD raises his closed fist while holding a hard and/or metal object, strikes down on back of Plaintiff's head, as Defendant GEORGE physically subdues Plaintiff from the front, and as Defendant ROGERS holds back Plaintiff's left arm.



63. At 05:54:11, Defendant GEORGE physically subdues Plaintiff from the front, as Defendant FORD raises his closed fist, holding a hard and/or metal object, and lands a hard blow squarely on the back of Plaintiff's head, causing blood to spurt and splatter in the air.



64. At 05:54:14, Plaintiff slumps to the ground after being struck hard in the back of the head causing breaking of skin and blood splatter, as Defendant FORD raises his close fist again to land another blow on Plaintiff's body.



65. At 05:54:18, while Plaintiff is lying unconscious on the ground, Defendant ROGERS stomps on Plaintiff's left ankle, and Defendant FORD disengages and wipes his eyes.



66. At 05:54:20, Defendant FORD walks away as Plaintiff remains slumped on the ground on his knees, as Defendants GEORGE and ROGERS continue to physically subdue him with force.



67. At 05:54:23, Defendant FORD disengages from Plaintiff, and walks away wiping his eyes.



68. At 05:54:55, Defendant FORD returns to the scene while Plaintiff is lying supine on the ground and subdued by multiple CFCF Correctional Officers.



69. At 05:54:56, Plaintiff is lying supine on the ground, surrounded by CFCF Correctional Officers, being held by Defendants GEORGE and ROGERS, as Defendant FORD on the right forcefully makes his way into the scene by pushing another CFCF Correctional Officer out of the way and getting his hands again on Plaintiff's body.



70. At 05:55:16, Defendant FORD is physically grabbed by the jacket and pulled away by another CFCF Correctional Officer.



71. At 05:55:17, Defendant FORD disengages from attacking and physically assaulting Plaintiff.



72. At 05:55:32, Plaintiff remains supine and subdued laying flat on the ground with visible blood spatter near to his face and head.



73. At 05:55:36, Plaintiff is lifted from the ground and metal shackles are attached to his ankles, with visible blood spatter on the ground where his head was laying.



74. At 05:55:48, Plaintiff is standing and a white towel is administered to the back of his head which is visibly bleeding due to lacerations and injury.



75. At 05:55:52, Plaintiff is standing and being escorted without incident, while bleeding from the back of the head, with visible blood spatter and stains on the ground as a result of the injury inflicted when Defendant FORD struck him in the back of the head.



76. At 05:56:26, Plaintiff's blood remains on the ground in an approximately 3-foot in circumference circle of blood splatter, as a result of the head injuries caused by blunt force striking to the head inflicted by Defendant FORD.



COUNT I - ASSAULT & BATTERY

77. Plaintiff incorporates for purposes of the pleadings paragraphs 1. - 76.

78. Defendants ROGERS, FORD, and GEORGE committed assault and battery against Plaintiff's person, harming his physical integrity, committing intentional torts outside the lawful scope of employment, using excessive and unlawful force against Plaintiff's person.

79. Defendant ROGERS initiated unlawful and excessive force by pepper-spraying Plaintiff without legal justification.

80. Defendant FORD used unlawful and excessive force by striking Plaintiff in the back and the back of the head multiple times with a blunt and hard and/or metal object in the back and back of the head.

81. Defendant FORD struck Plaintiff directly in the back of the head causing blood to splatter, leaving blood stains on the floor of the jail

82. Defendant GEORGE physically subdued Plaintiff from the front and while raising Plaintiff's upper body up assisted Defendant FORD in striking Plaintiff's back and head.
83. Defendant ROGERS assisted Defendant GEORGE in physically subduing Plaintiff permitting Defendant FORD to striking Plaintiff's back and head.
84. Defendants ROGERS, GEORGE, and FORD falsified official reports of the incident, making a purposeful omission of the exact cause of Plaintiff's injury and requiring emergency medical assistance , which was known to them to be the Defendant FORD's striking Plaintiff squarely, directly, and forcefully in the back of the head with a weapon, and which is made visibly plain and clear from a review of the Video Surveillance gathered by their employer CFCF Correctional Facility.
85. Defendants FORD, ROGERS, GEORGE, and RYANS are liable to Plaintiff for all economic and non-economic damages caused by their intentional torts, including punitive damages, attorney's fees and costs of litigation.

WHEREFORE, Plaintiff hereby demands that judgment be entered in an amount in excess of Fifty Thousand Dollars (\$50,000) against each Defendant, plus interest and the cost of suit, punitive damages, compensatory damages, economic and non-economic damages, and any such other further relief as the Court may deem just and proper.

Respectfully submitted,



08/14/2022

Lucas T. Nascimento, Esq. Attorney for Plaintiff

Exhibit A
CFCF Investigative Report (86-19)

Investigation Report		<input type="checkbox"/> ASD <input checked="" type="checkbox"/> CFCF <input type="checkbox"/> DC <input type="checkbox"/> HOC <input type="checkbox"/> PICC <input type="checkbox"/> RCF				Date of Report 11/5/2021	
Name		Number	Age	Adm. Date	Offense or Charges		
Omar Dennis		720523	45	10/23/2021	VIO CS/DRUG/DEV & COSMETIC		
Brief Description of Occurrence: Inmate refusing orders to go inside cell and assault staff, which resulted in a Use Of Force.							
Date of Occurrence		Time	Place of Occurrence			Weather	
October 23, 2021		17:52hrs	Receiving Room			Day / Warm	
Outside Agencies Involved							
Name of Agency	Name/Badge # of Person Notified	Time Notified		Name/Badge # of Person Arrived at Facility		Time Arrived	
Philadelphia Police Dept NEDD	Detective John Hopkins #691	23:20		N/A		N/A	
Items of Evidence: Inmate Custody Report, Medical and Behavioral Health Segregation Placement Form, Special Management Placement Order, Inmate Misconduct, Misconduct Disposition, Video, Video Review, Memorandums, Police Incident/Complaint Form, Flash Report, Photographs, IJMS Logs, 4 Use of Force Reports, Medical Use of Force, Summary of Use of Force.							
Disposition of Evidence: with this report							
Inmate Injury or Illness (list additional inmates injured and type of injury in DETAILS section)							
Name of Injured: Omar Dennis PP#72523							
Describe Injury or Illness: Use of Force (Pepper Spray), Facial and Head lacerations							
Date and Time of Treatment: 17:55hrs				Attending Physician: PA Phillips			
Treatment Prescribed: Decontamination and Jefferson-Torresdale Hospital							
Witness to Occurrence: Orville Ford PR#270555							
Time Warden Notified: 18:00 hrs via phone				Time Commissioner Notified: 18:00 hrs via flash report			
DETAILS							

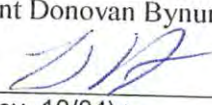
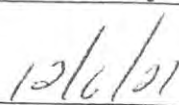
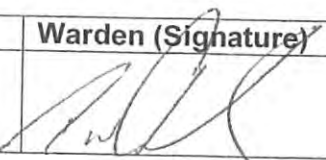
On October 23, 2021 at approximately at 17:52 in CFCF Receiving Room inmate Omar Dennis PP#720523 was given orders by Officer Emil Rogers PR#244575 to go inside cell #8 as he exited the shower, inmate Dennis refused to go inside the cell and pushed Officer Rogers. Officer Rogers immediately deployed his PDP issued MK-4 .07% Pepper Spray to inmate Dennis facial area. Inmate Dennis became combative and charged at Officer Rogers. Officer Rogers defended himself and Officer Orville Ford PR#270555 assisted in attempt to subdue inmate Dennis. Inmate Dennis continued to be non compliant and actively resisting and continuing to assault staff was Pepper Sprayed again by Correctional Sergeant Aisha Ryans PR#216996. Correctional Officer Sumond George PR#278042 responded and assisted in taking down and restraining inmate Dennis. Compliance was eventually gained and inmate Dennis was placed in mechanical restraints (Handcuffs and Leg Irons) and escorted to medical for decontamination.

Upon further evaluation in medical PA Phillips determined that inmate Dennis needed to be sent to Jefferson Torresdale Hospital for facial and head laceration and to rule out any additional head trauma. Inmate Dennis was treated and released from Jefferson-Torresdale Hospital and returned to CFCF. Inmate Dennis was then cleared for segregation. Misconduct Report (J21006268) was generated.

Officer E. Rogers sustained injuries to his hands and Officer Ford was bitten on his left hand in the altercation. They both were transported to Nazareth Hospital with a COPA II Forms and a Medical Health Referral in order to be evaluated. After Officer Rogers and Ford were discharged from Nazareth Hospital they were transported to the Northeast Detective Division (NEDD) to file formal charges.

On Monday October 25, 2021 Officer's Rogers And Ford had a follow up appointment with Concentra Urgent Care (Compensatory Clinic) and were both carried as Injured on Duty (IOD) status per Concentra

Urgent Care for injuries to both Officers hands. Officer Rogers was cleared to return to full duty on October 29, 2021. Officer Ford was cleared to return to full duty on November 1, 2021.

Signature	Date Received by Warden	Warden (Signature)
Lieutenant Donovan Bynum PR# 265148 	 12/6/21	

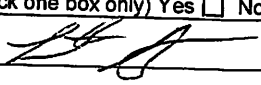
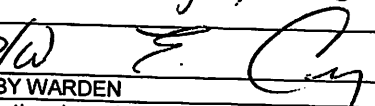
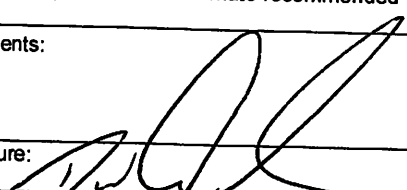
86-19 (Rev. 10/04)

*Cont'd 11-28-21
D/W E Gy 12-1-2021*

Exhibit B
“Summary Report Regarding the Use of Force
November 5, 2021”

Philadelphia Department of Prisons
Summary Report Regarding the Use of Force

(To be completed by the Investigating Supervisor in conjunction with the Investigation Report. Please type or print clearly.)

Name of Investigating Supervisor: Donovan Bynum			Payroll # 265148	Date & Time of Incident 10/23/2021 17:52	Date & Time of Report 11/5/2021 16:00		
Rank of Investigating Supervisor Correctional Lieutenant			Institution CFCF	Location of Incident Receiving Room			
Evaluation of Use of Force. Was force justified/reasonable? (check one box only) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>							
List any errors or deviations: None							
Type of Force Used: .7% pepper spray, Striking Techniques, Mechanical Restraints (Handcuffs & Leg Irons)			Number of Employees Directly Involved: 4	Number of Inmates Directly Involved: 1			
Names and PPN of Inmates Directly Involved Omar Dennis PP#720523			Names, Ranks & Payroll Numbers of Staff Directly Involved Emil Rogers PR#244575 Correctional Officer Orville Ford PR#270555 Correctional Officer Sumond George PR#278042 Correctional Officer Aisha Ryans PR#216996 Correctional Sergeant				
Attachments	Yes	No	Number	Attachments	Yes	No	Number
Investigation Report	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Photos of the inmate(s) involved (taken within one hour of the incident)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
PDP Report of the Use of Force by Employee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4	Inmate Misconduct Report(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
PDP Health Services Report on Examination of Inmate Involved in Use of Force Incident	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	IJMS Custody Report(s) for involved inmate(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
PDP Inmate's Account of Involvement in Use of Force Incident	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Additional Photos/Videos/Diagrams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
Witness Statements (Staff and/or Inmates)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Video Review Documentation (if applicable)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
Further Investigation Warranted? (check one box only) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>							
Signature of Investigating Supervisor: 				Date: 11/5/2021			
STATEMENT BY DEPUTY WARDEN							
<input checked="" type="checkbox"/> I concur with the above findings				<input type="checkbox"/> Further investigation of staff misconduct is warranted (complete comments below this line)			
Comments: <i>A secondary form of defense should be used when I'm overpowering the officers. (Stun gun, stun shield, Pepper ball).</i>							
Signature: 				Date: 12-1-2021			
STATEMENT BY WARDEN							
<input checked="" type="checkbox"/> I concur with the above findings				<input type="checkbox"/> Further investigation of staff misconduct is warranted (complete comments below this line)			
<input checked="" type="checkbox"/> Criminal prosecution of inmate recommended				<input type="checkbox"/> Criminal prosecution of inmate not recommended (explain)			
Comments:							
Signature: 				Date: 12/6/21			
STATEMENT BY DEPUTY COMMISSIONER							
<input type="checkbox"/> I concur with the above findings				<input type="checkbox"/> Further investigation of staff misconduct is warranted (complete comments below this line)			
<input type="checkbox"/> Criminal prosecution of inmate recommended				<input type="checkbox"/> Criminal prosecution of inmate not recommended (explain)			
Comments:							
Signature:				Date:			
STATEMENT BY COMMISSIONER							
<input type="checkbox"/> I concur with the above findings				<input type="checkbox"/> Further investigation of staff misconduct is warranted (complete comments below this line)			
<input type="checkbox"/> Criminal prosecution of inmate recommended				<input type="checkbox"/> Criminal prosecution of inmate not recommended (explain)			
Comments:							

Date and Time of Incident 10/23/2021 17:52 Date and Time of Report 11/5/2021 16:00

Location of Incident CFCF Receiving Room

Names and PPN of Inmates Directly Involved Inmate Omar Dennis PP#720523

Names and PR Numbers of Staff Directly Involved Emil Rogers PR#244575 Orville Ford PR#270555 Sumond George PR#278042
Aisha Ryans PR#216996

Signature:

Date:

(If additional space is required, type or print an attachment corresponding to the expanded section.)

86-534 (Attachment 3.A.8.d—Rev. 3/17)

Exhibit C
“Philadelphia Prison System, Misconduct Reports
10/24/2021”

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Philadelphia Prison System
Misconduct Reports

Inmate 720523 DENNIS, OMAR

Misconduct J21006268 Class CRITICAL
Date 10/24/2021 16:43
Facility CFCF
Location Intake side (R/R)
Descr Inmate assaulted staff

Summary: Inmate assaulted staff

Narrative: On Saturday October 23, 2021 I Officer E. Rogers was working the receiving room on the 3:00pm to 11:00pm shift. At approximately 5:40pm inmate Dennis, Omar PP #720523 refused to go inside of cell 8. I ordered him several times to go inside the cell, he refused. I also tried to hand guide him to the cell, at that time he pushed me and stated "If you spray me I'm going fuck you up." I pepper sprayed him in his facial area, with my 7% spray. Once I did that the inmate punched me in my facial area causing me to fall backwards into the office door. While we was fighting Officer O. Ford came to assist me with Dennis. He then pushed Ford in the facial area. A response was called. Sgt Ryans came out of the office and pepper sprayed the inmate, he was taken to the floor still fighting. Once the response team arrived the inmate was handcuffed and taken to medical to be decontaminated and treated for his injuries. Lt. Bynum was notified of the incident.

Names of C/O and Supervisors: E. Rogers O. Ford & Sgt Ryans

Evidence: Video

Finding DISMISSED
Finding 10/26/2021 20:54 by LT.BYNUM
Notice Served 10/26/2021 20:53 by SGT.SWINTON
Report Served by
Processed 04/22/2022 13:28 by HARMER_C

Charge	Description	Plea	Finding
1	ASSAULTING ANY STAFF MEMBER		DISMISSED
2	DISRESPECTING ANY STAFF MEMBER		DISMISSED
3	DISTURBING OTHER INMATES OR STAFF		DISMISSED
4	REFUSAL TO COMPLY WITH A VALID ORDER		DISMISSED
5	THREATENING AN EMPLOYEE OR VISITOR WITH HARM		DISMISSED
6	VIOLATING ANY OTHER POSTED RULE OR REG		DISMISSED

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Philadelphia Prison System
Special Management Reports

Inmate 720523 DENNIS, OMAR

Reviewed 10/24/2021 Next Review 11/07/2021 Reviewed by RYANS_A
Case No S2105015 Next Hearing
DCase No ADMIN Hearing Held
Type DISCIPLINARY
Status INITIAL Supplementals 0
Start 10/24/2021 16:31
End
Actual
Facility CFCF
Reason Inmate assaulted staff.
Finding

Finding by
Dep Warden Aprvd by
Warden Approved by
Revised 10/24/2021 16:32 by RYANS_A

VERIFICATION

I, Lucas T. Nascimento, Esq., Attorney at Law, do hereby verify that the statements and averments contained in the foregoing COMPLAINT to be true and correct, to the best of his understanding, information, and belief, and that he understands that any known false statements are subject to the penalties of 18 Pa. C.S. §4904, as relates to knowing, intelligent, and material unsworn falsification of facts contained in statements made to governmental authorities.

Dated: 08/14/2022

/s/  _____

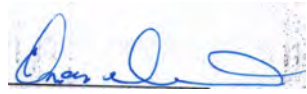
Lucas T. Nascimento, Esquire

PA Bar : #317092

VERIFICATION

I, OMAR DENNIS, do hereby verify that the statements and averments contained in the foregoing COMPLAINT to be true and correct, to the best of his understanding, information, and belief, and that he understands that any known false statements are subject to the penalties of 18 Pa. C.S. §4904, as relates to knowing, intelligent, and material unsworn falsification of facts contained in statements made to governmental authorities.

Dated: 08/14/2022

/s/  _____

OMAR DENNIS

CERTIFICATION OF SERVICE

I, Lucas T. Nascimento, Esquire, certify that these papers have been served according to the Rules of Civil Procedure and pursuant to the Unified Judicial System of Pennsylvania's Electronic Filing System, and by email to Counsel and Representative of Defendants.

CITY OF PHILADELPHIA, LAW DEPARTMENT
1515 ARCH STREET, 14TH FLOOR
PHILADELPHIA, PA 19102
P: 215-683-5447

Attn:

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